

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

WALKER SPECIALTY
CONSTRUCTION, INC.,

Plaintiff,

v.

BOARD OF TRUSTEES OF THE
CONSTRUCTION INDUSTRY AND
LABORERS JOINT PENSION TRUST
FOR SOUTHERN NEVADA; and THE
CONSTRUCTION INDUSTRY AND
LABORERS PENSION TRUST FOR
SOUTHERN NEVADA,

Defendants.

BOARD OF TRUSTEES OF THE
CONSTRUCTION INDUSTRY AND
LABORERS JOINT PENSION TRUST
FOR SOUTHERN NEVADA; and THE
CONSTRUCTION INDUSTRY AND
LABORERS PENSION TRUST FOR
SOUTHERN NEVADA,

Counterclaim Plaintiffs,

v.

WALKER SPECIALTY
CONSTRUCTION, INC.,

Counterclaim Defendant.

Case No. 2:23-cv-00281-APG-MDC

**ORDER GRANTING REQUEST FOR
ENTRY OF JUDGMENT**

[ECF Nos. 32, 33]

On February 22, 2024, I denied the motion for summary judgment filed by the Board of Trustees of the Construction and Laborers Joint Pension Trust for Southern Nevada and the Board of Trustees of the Construction Industry and Laborers Pension Trust for Southern Nevada (collectively the Trust) (ECF No. 20) and granted Walker Specialty Construction, Inc.'s motion for summary judgment (ECF No. 21). ECF No. 29. I found that Walker owes no withdrawal liability to the Trust because Walker qualifies for the building and construction industry exemption to withdrawal liability set forth in ERISA § 4203(b); 29 U.S.C. § 1383(b). I further found that the Trust is required to repay the amount of withdrawal liability overpayments Walker

1 paid to the Trust, plus interest.

2 On March 15, 2024, the parties stipulated that the total amount of withdrawal liability
3 overpayments is \$572,958.00, that interest accrued through March 8, 2024 is \$87,192.30, and
4 that interest on the overpayments owed to Walker accrues at \$219.76 per diem. ECF No. 32.
5 Walker now requests entry of a judgment vacating the underlying arbitration decision and Final
6 Award issued by an arbitrator with the American Arbitration Association (ECF No. 5-1, pp. 2
7 and 4), and requiring the Trust to pay Walker the overpayments and interest. ECF No. 33.
8 Walker's request is supported by good cause, so I grant it.

9 I HEREBY ORDER that the arbitration decision and Final Award issued by the
10 American Arbitration Association on January 27, 2023 and March 14, 2023 are vacated.

11 I FURTHER ORDER the clerk of court to enter judgment in favor of Walker Specialty
12 Construction, Inc. and against the defendant Boards in the amount of \$662,347.90 (\$572,958.00
13 + \$89,389.90 in interest as of March 18, 2024).

14 I FURTHER ORDER that Walker may move for attorneys' fees and costs under Federal
15 Rule of Civil Procedure 54(d) and Local Rules 54-1 through 54-14, as permitted by ERISA
16 § 4301(e); 29 U.S.C. § 1451(e).

17 DATED this 18th day of March, 2024.

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21 ANDREW P. GORDON
22 UNITED STATES DISTRICT JUDGE
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